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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MARTHA MARGARITA BARBA DE LA) Case No. 09cv1161-BTM (BLM)
12 TORRE and ALEJANDRO DIAZ,)
13 Plaintiffs,) **ORDER (1) GRANTING IN PART**
14 v.) **PLAINTIFFS' EX PARTE**
15 JERRY L. ICENHOWER, et al.,) **APPLICATION, (2) VACATING**
16 Defendants.) **EARLY NEUTRAL EVALUATION**
) **CONFERENCE AND (3) SETTING**
) **TELEPHONIC CASE MANAGEMENT**
) **CONFERENCE**

17 [Doc. No. 38]
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19 On February 16, 2010, Plaintiffs filed an ex parte application
20 to continue the telephonic Early Neutral Evaluation Conference
21 ("ENE") scheduled for February 24, 2010. Doc. No. 38. Plaintiffs
22 state that they intend to file a motion for reconsideration of
23 District Judge Barry T. Moskowitz's February 2, 2010 order. Id.
24 Therefore, they request that the ENE be continued until after Judge
25 Moskowitz rules on this motion and Defendants' pending motion for
26 summary judgment. Id. In light of the status of the pleadings, the
27 Court finds it inappropriate to convene an ENE at this time. See
28 Civil Local Rule 16.1(c)) (explaining that the judicial officer
shall hold [conferences] as he or she deems appropriate.").

1 Therefore, the Court **GRANTS IN PART** Plaintiffs' ex parte application
2 and **VACATES** the ENE scheduled for February 24, 2010.

3 The Court will conduct a telephonic, attorneys-only Case
4 Management Conference on May 24, 2010 at 9:15 a.m. The Court will
5 initiate the conference call. Failure of required counsel to
6 participate may result in the imposition of sanctions.

7 **IT IS SO ORDERED.**

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9 DATED: February 17, 2010

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11 BARBARA L. MAJOR
12 United States Magistrate Judge
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